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Jim Buck Post-Session Report 2000

A Crime Is Still A Crime Why Add the Word Hate?

In the legislature, we deal with so many issues that are divided by general philosophical differences. It is easy for me to distinguish the differences between legislators who favor providing tax cuts when the state has a large surplus and those who would prefer to utilize those dollars for additional spending programs. It is also easy to determine those who support creating laws against certain acts and those who believe the acts are not criminal. However, the issue of defining and punishing hate crimes is one that has a very clouded picture.

I am strongly in support of punishing individuals who commit an act of aggression against another individual. If, for any reason, one person takes it upon themselves to assault someone else, they deserve to be punished to the full extent of the law. Committing such a crime against another individual because of a prejudice makes the crime all the more unconscionable.

However, creating a criminal category for hate crimes is an extremely difficult matter. Legislators would have to be willing to admit that a crime committed as an act of bias deserves a stronger penalty than the same act committed because the offender is attempting to rob their victim. Additionally, legislators would be required to say we believe a

bias motivation can be determined. These core ambiguities that would result from such a law caused the original hate crimes legislation to be reduced to a hate reporting bill.

Unfortunately, the fundamental flaw in the hate crime reporting legislation brought before the Indiana General Assembly this year was in the wording. During debate on the bill, testimony was given from people, of various persuasions, that police were insensitive to their status or that prosecutors would prosecute criminals lightly. Under the bill, the investigating police officers would have been required to fill out a report

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and say if, in the opinion of the officer, the crime was motivated by hate.

Now, if that officer happens to be one of the insensitive officers, would it that individual will be more sensitive in filling out a report? If there are people in the police or judicial communities who won't follow current law, do we really think they would follow this one? I don't think so.

We should be prosecuting the violent acts. It makes little difference to me why you beat me. You can rob me for money or beat me over the head because of my race, it is still the same crime. It is conduct we should prosecute, not thought processes.

State Representative

JIM BUCK

Representing District 38

Post-Session Report 2000



Short Session Ends; No Reassessment Compromise

Any good negotiator will tell you that the key to negotiating is knowing when to compromise. Without compromise, the negotiations will break down and no one will achieve any level of success.

During the recently completed legislative session, the art of compromise took a beating. As the session began, it was agreed by everyone that property tax reassessment would be the most debated and contentious issue. This proved true as Republicans and Democrats were coming from extremely different perspectives. Democrats desired a two-year delay before reassessment would take place. Republicans, fearing a delay would increase the "sticker shock" taxpayers would feel from the inevitable effects of reassessment, simply wanted to provide local assessors with more time to complete their work but not delay the effective date.

As the session wore on, Republicans offered a compromise of a one-year delay. The effects of a one-year delay would have made the "sticker shock" more of a burden, but at least the attempt to compromise was being made. Unfortunately, the Republican compromise offer met with no success by those negotiating for the Democrats.

Indiana is already way behind schedule to implement reassessment. The Governor was required, by law, to have a reassessment manual put together last year. That law has been broken. As more and more time goes by, and the reassessment law is broken, the effect of reassessment will be harder for taxpayers to handle. If it is another two years before reassessment takes place, property taxpayers will have seen their taxes increase by at least 25 percent.

So, not only do I believe we need to implement reassessment as soon as possible, we must also enact tax relief to mitigate the effects of reassessing property. I supported a plan to cut property taxes by 25 percent over the next few years. This would have come close, if not completely, to countering the effects of reassessment.

The counter-offer from the Democrats was to provide a 4 percent tax cut which would not take effect until 2004. This would leave Hoosier property taxpayers with an increase in taxes of more than 20 percent when reassessment is complete.

As a compromise, Republicans asked to at least keep the property tax Homestead Credit at 10 percent. By doing so, we would essentially be pro-

viding homeowners with a 6 percent cut immediately. It does not counter the effects of reassessment, but it seemed a good compromise and much better than putting off smaller relief for four years. However, once again, Democrat negotiators had no interest in compromise.

It is disappointing for me to report, but as in all negotiations in which one side will not work on compromising, nothing was achieved. Hoosier taxpayers were definitely the losers because of the unwillingness of some to compromise.

Here's What's Inside...

[*A Look at My Votes](#)

An in-depth look into some of the more meaningful legislation from this session and the way I voted.

[*Support for Hoosier Farmers Still Needed](#)

Indiana serves as a huge player in the agriculture industry.

[*A Crime is Still A Crime](#)

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A Look at Some of the Legislation Voted on During Session...

Issue	Bill #	Outcome	My Vote	Why
Murder Prosecutions	SB 7	Adopted into law		A case in Ft. Wayne demonstrated the necessity for this law. A person shot another, but the victim stayed alive for almost 2 years. The statute of limitations ran out on charging the offender with murder before the victim passed away. When an individual dies at the hands of another, the offender should be prosecuted for murder no matter when the victim eventually dies.
Regulation of Laser Pointers	SB 147	Adopted into law		It is unfortunate that anyone would attempt to harass or scare a law enforcement officer. However, a number of cases have arisen where laser pointers are aimed at law enforcement officers emulating a gun pointed in their direction. I support any attempts to protect our law enforcement community.
Bias Crimes	HB 1011	Adopted into law		Although no one should be tolerant of any type of crime committed by one person against another, criminal law is based on prosecuting the act, not the thought. It does not matter for what reason an individual assaults another, offenders should be handed the same punishment for the act.
Display of the Ten Commandments	HB 1180	Adopted into law		The rise in workplace and school violence across the country has given rise to the breakdown in morals and common respect plaguing society. A good step to gaining back some of the morals is to promote the fundamental goals of the Ten Commandments. This year, we passed legislation to allow the posting of the Ten Commandments on property owned by the state or a political subdivision.
Operating a Vehicle While Intoxicated and Juveniles	HB 1051	Adopted into law		Juveniles who drive must understand they are responsible for their action behind the wheel, just as adults are. Amazingly, until now, a juvenile who was arrested for driving while intoxicated did not have their license suspended. This law was extremely necessary.
Unemployment Insurance	HB 1043	Adopted into law		This law appears to accomplish the best possible for employees and employers. It will increase the earnings base used to compute unemployment eligibility, making more displaced workers eligible. Meanwhile, it actually decreases the contribution rate required by employers who have consistently paid into the unemployment account.
Worker's Compensation	HB 1050	Adopted into law		I was pleased to support these landmark increases to worker's compensation benefits in Indiana. Labor and employers were able to come to an agreement that these increases were needed, and hard-working Hoosiers will benefit.
IHSAA	HB 1018	Adopted into law		The legislature should not be playing a role in interscholastic athletic operations. The government has too many other issues to consider. Problems with the IHSAA should be handled by local schools, parents and eventually the courts if needed.
Research and Development Tax Credits	HB 1214	Vetoed by Governor		Over the past decade, Indiana has suffered a significant "brain drain" problem, as college graduates have left the state to seek higher technology jobs in other states. Keeping our graduates here should be a priority. Therefore, these tax credits will help Hoosier businesses create higher technology jobs to offer to students who graduate from Indiana colleges.
Environmental Notices, Reports, Penalties and Permits	HB 1343	Adopted into law		The White River Fish Kill brought to light many inefficiencies in the reporting and control of environmental disasters in Indiana. This new law will make sure that the public is promptly notified when an environmental mishap occurs and strengthens penalties for anyone who deliberately pollutes.
Medicaid	SB 79	Adopted into law		State laws regarding Medicaid eligibility have been inequitable for many years. Individuals who have a potentially life-long disability are ineligible until their disability is deemed life-long. Unfortunately, by that time the disability often cannot be treated or is even life-threatening. I am pleased we have updated this law with this common sense change.

Support for Hoosier Farmers Still Needed

Indiana is a huge player in the agriculture industry. However, many farmers in Indiana continue to struggle because of low yields due to weather and low commodity prices. Therefore, many families are having to sell their farms. Because of this growing crisis surrounding the agriculture community, last year, lawmakers added provisions to the state budget that gave tax relief by way of eliminating the property tax addback for business income taxpayers and allowing homeowners to deduct up to \$2,500 of residential property taxes paid from their state taxable income. Another provision in the budget provided a new \$12,500 assessed value personal property tax credit. This credit basically makes the first \$12,500 of assessed value for business/farm inventory and/or equipment exempt from taxation. This relief should come in May or June of this year.

I hoped we could continue to address the need to provide some relief for our struggling agriculture community, however, the entire General Assembly didn't seem as generous. These are some of the proposals that were defeated over the course of the short session.

- A bill to provide property tax credits for farmers died in the Democrat controlled House Ways and Means Committee. The bill would have allowed farmers a property tax credit on buildings and equipment that have not been used for at least one year.
- Continuing on the lines of property tax relief for farmers, a proposal was offered to allow farmers the opportunity to apply for farmland preservation parcel status that reduces the property tax to one dollar per acre if the parcel contains at least ten acres, does not contain a dwelling or another usable building, and is assessed as agricultural land. With the continued growth

of cities sprawling into the countryside, Indiana farmers are feeling the pressure to sell their land to the highest paying developer. Hopefully, this legislation would have given farmers the needed incentive to not sell their farmland. Land use is not a simple issue. Rather, it is a balancing of social and cultural concerns with economic growth and community development to improve the quality of life for communities and citizens. It is every citizen's responsibility to provide leadership to preserve, enhance and maintain a rich and productive quality of life.

- Agricultural contracting legislation, which passed out of the House of Representatives 99 to 0, failed to make it out of a Senate committee. The intent of the legislation was to offer a "contractor's bill of rights" that would establish a minimum standard for production and marketing contracts. A number of contracts, which are generated by lawyers for corporations, are being offered to farmers. This legislation would have set some minimum guidelines that farmers could have easily understood.

Rest assured that I will continue to work to make the legislature more responsive to the needs of farmers, their families and communities. I am confident all these measures will return in the next session, where and when, my commitment to hearing your needs and concerns will continue.

Publications Available

Please contact my office at 1-800-382-9841 to request copies of these available publications.

Show Me the Money

A guide on several state and federal programs designed to address funding options for local community projects.

Guide to State Agencies

This easy-to-use booklet provides basic information about government agencies in Indiana.

Digest of Enrolled Acts

This book includes every bill that passed the 2000 legislature and has been signed into state law.



State Rep. Buck takes some time to read over a bill on the House floor. Throughout the course of session, 76 Senate Bills and 78 House Bills were passed by the Indiana General Assembly.